

**COLORADO STATE BOARD OF PHARMACY**  
**November 15, 2007**

**Minutes**

The Colorado State Board of Pharmacy meeting was convened by President Rich Doyle, RPh at approximately 8:40 a.m. on Thursday, November 15, 2007 at 1560 Broadway, 9<sup>th</sup> Floor Common Conference Room, Denver, CO. Notice of this meeting was given in accordance with Division of Registrations Policy Number 80-17.

Board members attending were: Jeannine G. Dickerhofe, RPh, Rich Doyle, RPh, E. Katherine Edelblut, RPh; Leonard Hierath, Professional Engineer, Paul Limberis, RPh; and Averil Strand, RN.

Staff members attending were Wendy Anderson, Program Director; Chief Inspector, Chris Gassen; Inspectors Billie Marseilles, RPh and Susan Martin, RPh; Tia Johnson, Licensing and Complaint Specialist, and Aaron Acker, Specialist, Office of Expedited Settlement. Also present were Jo Kaye, Assistant Attorney General, and Jack Wesoky, Assistant Attorney General, to advise the Board.

**INTRODUCTION OF NEW BOARD MEMBERS**

Jeannine G. Dickerhofe, RPh, and Leonard Hierath, Professional Engineer, introduced themselves to Board members and staff, and provided some background information. Rich Doyle, RPh, provided a brief Board of Pharmacy history.

**ELECTION OF OFFICERS**

E. Katherine Edelblut, RPh was elected president and Paul Limberis, RPh was elected vice-president.

**APPROVAL OF MINUTES**

The Board approved and accepted the minutes from the October 18, 2007 meeting as amended, the minutes from the October 19, 2007 meeting as submitted, and the minutes from the October 25, 2007 meeting as submitted.

**ADDITIONS TO THE AGENDA**

Ms. Anderson advised the Board of the following additions to the agenda:

- Case #2005-0285 regarding Oliver Stanford, RPH 14507. Old Business
- Case #2007-1821 regarding Curtis E. Giersch, RPH 12448
- Brent Bovy, Pharmacist Intern Licensure Application

**APPEARANCES**

Jo Kaye, Assistant Attorney General, presented an outline for Leal and Ethical Requirements of Board Members.

**HEARINGS**

None

## **REPORTS**

### **President's Remarks**

Mr. Doyle thanked the Board for its confidence in him for the last year as its president.

### **Program Director's Report**

Ms. Anderson advised the Board of the progress of the Nuclear Taskforce. She asked for a backup for the Governor's Expert Emergency and Epidemic Response Committee. Jeannine Dickerhofe volunteered. Ms. Dickerhofe also volunteered to be the Chair of the Intern and School Relations Committee. Ms. Anderson told the Board that Dr. Lane Brunner, the Dean of the Regis University School of Pharmacy was unable to attend the Board meeting. However, he would be in attendance at the January 2008 meeting. Ms. Anderson updated the Board on the progress of the Electronic Prescription Drug Monitoring Program. She explained that pilot testing of the program was underway. Once the results of the testing are compiled, a "go live" date will be established.

The Board decided to have a Planning Meeting at its regularly scheduled February meeting and will forward topics to staff for inclusion. The Board reviewed and approved an amendment to Policy 10-6. Ms. Anderson then handed out a recently received letter from the Drug Enforcement Administration (DEA). After due consideration, the Board directed staff to draft a response to the DEA detailing its concerns with the DEA's position on one issue.

The Board then moved to hearing a revision to Board rule 3.01.20 and new rule 21.00.00. At the request of staff, it tabled action on revisions to Board rule 15.00.00

### **Colorado Pharmacists Society (CPS) – Rich Doyle, RPH**

None

### **Governor's Expert Emergency Epidemic Response Committee (GEERC) – Paul Limberis, RPh**

None

### **Intern & School Relations –Jeannine G. Dickerhofe, RPh**

None

### **Legislation - E. Katherine Edelblut.**

None

### **Rules – Rich Doyle**

None

**Inspectors**

None

**OLD BUSINESS**

**Miscellaneous**

**Pharmacy Technicians**

The Board considered a memorandum from Chris Gassen detailing research of other states' regulations and statutes governing the licensure, registration, and certification of pharmacy technicians. After due consideration of available information, the Board determined that it would re-examine this information at its next annual planning meeting in February of 2008.

**Proposed Newsletter item from the Institute for Environmental Solutions**

The Board considered proposed language submitted by the Institute for Environmental Solutions for its February 2008 newsletter regarding the proper disposal of unwanted medications. After due consideration of available information, the Board directed its staff to inquire if this institute could provide specific guidelines regarding proper medication disposal.

**Case #2008-0270 & Alexandra E. Hilts, RPh**

After due consideration of the available information, the Board accepted the information submitted regarding this matter, and determined no further action was necessary.

**Case #2007-3071 & Carol J. McKinney, RPh**

After due consideration of the available information, the Board accepted the information submitted regarding this matter, and determined no further action was necessary.

**Oliver Stanford, RPh 14507**

**2008-0285**

Jeannine G. Dickerhofe, RPh, recused.

After due consideration of the available information, the Board voted to refer the case for discipline.

**Curtis E. Giersch, RPh 12448**

**2008-1821**

After due consideration of the information presented, the Board voted to grant Mr. Giersch's request for an extension of time to take the ProBE Ethics Course.

**NEW BUSINESS**

**Complaints**

**AmerisourceBergen, WHO Applicant**

**2007-3445**

After due consideration of the available information, the Board voted to dismiss the complaint, and directed issuance of an out of state wholesaler license to AmerisourceBergen.

**Discount Pet Drugs & Supplies, Unregistered** **2008-0591**

After due consideration of the available information, the Board voted to issue a Cease and Desist Order against the unregistered practice of Discount Pet Drugs & Supplies.

The Board also directed referral of the available information to the New York Board of Pharmacy.

**Kevin R. Duncan, RPh 10303** **2008-0738**

After due consideration of the available information, the Board voted to dismiss the complaint.

**Jamie R. Jones, RPh 14996** **2008-0760**

After due consideration of the available information, the Board voted to dismiss the complaint.

**David R. Lorenzo, RPh 14227** **2008-0590**

Rich Doyle, RPh, recused.

After due consideration of the available information, the Board voted to dismiss the complaint.

**Loveland Community Health Care Pharmacy, PDO 82-103** **2008-0590**

Averil Strand, RN, recused.

After due consideration of the available information, the Board voted to refer the case for discipline.

**Evan L. Maughan, RPh 17131** **2008-0645**

After due consideration of the available information, the Board voted to dismiss the complaint.

**Scott L. McLain, RPh 13259** **2008-0762**

After due consideration of the available information, the Board voted to dismiss the complaint.

In addition, the Board directed a letter be sent to the pharmacist manager of City Market Pharmacy # 428, requesting written notification confirming that the locking mechanism to the gate detailed in the complaint has been fixed and is in working order.

**Kristi L. Mikok, RPh 16719** **2008-0338**

After due consideration of the available information, the Board voted to dismiss the complaint.

**Walgreen Pharmacy #3190, PDO 258** **2008-0336**

After due consideration of the available information, the Board voted to dismiss the complaint.

The Board directed a letter be sent to Walgreens District Offices stating that Walgreens needs to hold its pharmacist managers accountable for the operation of the pharmacy in compliance with all laws and rules, and suggests that Walgreens pharmacist managers attend at least one of the Pharmacist Manager Seminar which are offered by the Board inspectors, and stated that continuing instances of repeated non-compliance at Walgreen pharmacies will be looked on by the Board with less leniency in the future.

**S-A-J Distributors, Unregistered**

**2008-0923**

After due consideration of the available information, the Board voted to issue a Cease and Desist Order against the unregistered practice of S-A-J Distributors.

The Board also directed referral of the available information to the Arkansas Board of Pharmacy.

**Carson Strickland, RPh 13589**

**2008-0761**

After due consideration of the available information, the Board voted to dismiss the complaint.

**LICENSING**

**Other Outlets, New**

The Board approved the registration of 1 new outlet.

**Prescription Drug Outlets, New (In-State)**

The Board approved the registrations of 7 new in-state outlets.

**Prescription Drug Outlets, New (Out-of-State)**

The Board approved the registrations of 5 new out-of-state outlets.

**Wholesalers**

The Board approved the registrations of 28 Out-of-State Wholesalers.

The Board did not approve any In-State Wholesaler registrations.

**Manufacturers**

The Board did not approve any Manufacturer registrations.

**Limited Licenses**

The Board did not approve any Limited License registrations.

**Licensure by Examination**

The Board ratified the licensure of 37 applicants for licensure by examination.

**Licensure by License Transfer**

The Board ratified the licensure of 27 applicants seeking licensure through license transfer. It was noted that these licensees had met all of the requirements for licensing under the provisions of section 12-22-116, C.R.S.

### **Licensure Issues**

#### **Pharmacy Intern Licensure Issues**

##### **Brent Bovy**

After due consideration of the available information, the Board tabled further review and processing of Mr. Bovy's pharmacist intern license application, pending receipt of additional information.

#### **Non-Resident Prescription Drug Outlet License Issues**

##### **Advanced Care Scripts, Inc.**

After due consideration of the available information, the Board directed issuance of a Non-Resident Prescription Drug Outlet license to Advanced Care Scripts, Inc.

### **MISCELLANEOUS**

#### **Correspondence, etc.**

##### **Report from Peer Assistance Services, 1<sup>st</sup> Quarter Report**

The Board reviewed and noted the report.

##### **Request from College Pharmacy, Regarding Rule 1.00.24**

The Board considered a request from College Pharmacy to clarify "active ingredient" used in Rule 1.00.24 to determine if it also includes non-prescription drugs. After due consideration of available information, the Board voted to table clarification of this rule pending additional research.

##### **Request from Omnicare, Inc.**

The Board considered a request from Omnicare, Inc. to allow for the implementation of nursing home specific drug formularies whereby a pharmacist could automatically substitute a different drug than what is prescribed based on a formulary. After due consideration of available information, the Board determined that such practice is not allowed by Colorado statute and therefore denied the request.

### **EXECUTIVE SESSION**

Board President Rich Doyle moved that the Board enter into executive session as authorized by CRS 24-6-402 subsection (3)(a) roman (IIII) to discuss matters which are required by law to be kept confidential. Specifically, the provisions of law requiring these matters to be kept confidential are:

CRS 24-4-402 subsection (3)(a) romans (II) and (III), and section 13-90-107(b), which protect as confidential communications with counsel that are matters of pending or imminent litigation, or are otherwise subject to the attorney-client privilege, and CRS

25-1-1201 et sequitor, which protects the confidentiality of information pertaining to individual medical records.

The motion was unanimous.

### **Case Status Reports**

The Board read and discussed the October 31, 2007 case status report from Mr. Acker.

The Board read and discussed the November 15, 2007 case status report from Ms. Kaye.

The Board discussed all items referred to it earlier in the meeting as well as matters confidential by law.

### **OPEN SESSION**

The Board approved admission to the REC of applicants PR-08-149 and PR-08-150.

#### **Oliver Stanford, RPh 14507**

**2008-1390**

After due consideration, the Board found that Oliver Stanford has been guilty of deliberate and willful violation and that the public health, safety, or welfare imperatively requires emergency action and voted to summarily suspend his license.

### **ADJOURNMENT**

The Board adjourned at 2:55 p.m.

Minutes approved by E. Katherine Edelblut, RPh, Board President on January 17, 2008.